CHARTER SCHOOLS HANDBOOK

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ADDITIONAL COPIES OF THIS HANDBOOK ARE AVAILABLE FROM:

Alberta Learning
Special Programs Branch
10 Floor, East Devonian Building
11160 Jasper Avenue
Edmonton AB T5K 0L2
Telephone: (780) 422–6326 in Edmonton
toll-free in Alberta by dialing 310-0000
Fax: (780) 422–2039

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This document is intended for:

Teachers	✓
Administrators	✓
Parents	✓

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OVERVIEW

Today, more than ever, our education system is moving in new directions to prepare students for the changing nature of the world in which they live. To address the need for educational change, the Honourable Halvar C. Jonson, then Minister of Education, introduced Bill 19, the *School Amendment Act*, on March 31, 1994. This *Act* enabled the establishment of charter schools – autonomous public schools that would provide innovative or enhanced means of delivering education in order to improve student learning. The proclamation into law of Bill 19 on May 25, 1994, made Alberta the first province in Canada to take such a bold initiative.

This handbook has been prepared to assist Albertans in understanding the provincial charter school concept, to assist charter organizers with their planning and preparation for the establishment of charter schools, and to assist those responsible for processing charter school applications.

What is a Charter School?

A charter school is a public school that provides a basic education in a different or enhanced way to improve student learning.

The expectation for the educational services offered by charter schools is that they will be different from what is locally available. Charter schools must demonstrate the potential to improve the learning of students. In general, charter schools complement the educational services provided in the local public system. They represent an opportunity for successful educational practices to be recognized and adopted by other public schools for the benefit of more Albertans. Although types of charter schools vary across the province, they do have the following common characteristics.

Access — Charter schools cannot deny access, if sufficient space and resources are available, to any students who meet the requirements of section 8 of the *School Act*. [The current version is the *School Act (RSA 2000)*, last amended on April 1, 2002.] In other words, any student may attempt a program provided by a particular charter school. For more information, see "Selection" on page 4.

Charter — A charter is an agreement between the Minister of Learning and an individual or group regarding the establishment and administration of a charter school. The charter describes the unique educational service the school will provide, how the school will operate and the student outcomes that it intends to achieve.

Choice — A charter school will provide enhanced or innovative delivery of public education to students. This means that parents and students have increased opportunity to choose an education that best serves student needs.

Curriculum — The curriculum delivered by charter schools will be structured around a basic education as defined by Alberta Learning and described in the *Programs of Study*. Generally, education programs must meet the conditions outlined in section 39

of the *School Act*. This allows students to transfer to or from any public school with a minimum of disruption and to obtain a high school diploma. In addition, students attending charter schools must write Provincial Achievement Tests, Provincial Diploma Exams and any other tests the Minister prescribes.

Funding — Charter schools are eligible for the same provincial funding per student as any other public school. For specific amounts, please refer to the *Funding Manual for School Authorities* for the current school year.

Non-religious — Charter schools may not be affiliated with a religious faith or denomination. A charter school may provide religious instruction and exercises under section 50 of the *Act,* as may any other public school. Charter schools are not private religious schools, nor are they intended to replace the services offered by private religious schools.

Purpose — Charter schools are expected to improve student learning by providing a different educational environment beyond the services provided by the existing school board. (See "What is a Charter Board?" page 3.) The charter boards that operate the schools will have flexibility and considerable autonomy to implement innovative or enhanced educational services that will broaden the range of educational opportunities and enhance student learning. Enhanced student learning means improved acquisition, in some measurable way, of knowledge, skills and attitudes.

Specialization — Charter schools will specialize in a particular educational service or approach in order to address the needs of a particular group of students. Charter schools may complement or add to existing local programs where there are a sufficient number of students who could benefit from the program.

Tuition Fees — Charter schools shall not charge tuition fees. However, they may charge parents for fees for instructional supplies or materials, as may all schools in the public education system [section 60(2)(j), *School Act*].

What is a Charter Board?

A charter board is a corporate body responsible for operating and governing one or more charter schools. All schools run by a single charter board are subject to the same charter, policies and procedures. The Minister may approve up to 15 charter boards in the province. The rights and responsibilities of a charter board are listed below.

Accountability — Each charter board is accountable for its charter school(s). A board is responsible for ensuring that the charter school complies with charter board policies and the terms of the charter, as well as provincial legislation, regulation and policies.

A charter board is accountable to the students, parents, community and the Minister of Learning. The Minister will ensure that the charter school is operated according to its charter, and that it achieves the outcomes outlined in the charter as required by provincial legislation, regulation and policies.

As with any school board, a charter board is publicly accountable for student achievement in the school. The charter board must make publicly available annual reports that describe how well students are accomplishing their educational goals, certain documents and reports under section 75 of the *School Act*, and any other information requested by the Minister (section 77).

Autonomy — A charter board has the authority and autonomy to operate a charter school. This board will develop policies subject to its charter agreement with the Minister of Learning. Typically, a charter board provides direction through the superintendent of the charter school. The school administration conducts the day-to-day operations.

Financial Reporting — A charter board must appoint an independent auditor and annually submit an Alberta Learning Budget Report Form and an Audited Financial Statement. These must reflect the financial operation of the charter school. In addition, charter boards must operate within a balanced budget (sections 145 to 152 of the *School Act*).

Governance — A charter school is operated by a corporate body in accordance with section 31(1) of the *School Act*. The charter school may be governed by the board of directors of the corporate body, or the board may establish under it another body whose sole responsibility would be the governance of the charter school. In either case, this governing body is called the charter board, and its membership should represent parents and teachers of students in the school as well as community members. In accordance with the provisions of the *Societies Act* or the *Companies Act* (see Question 1, page 6), the charter board must have by-laws and policies for governance of the board as well as for governance of the charter school.

Non-profit — Charter schools are non-profit schools and they shall be operated by non-profit corporate entities.

Reviews — As part of the public system of schools, students of charter schools or their parents may ask the Minister to review any charter board decision about the expulsion of a student or the amount and payment of fees or costs (section 124 of the *School Act*). In addition, the *Charter Schools Regulation* allows for a review by the Minister if a student has been denied access to a charter school. Forced resignation of a charter board member may also be reviewed by the Minister.

Selection — If student enrolment exceeds the capacity of the program, the school will select students in accordance with a selection process established by the charter board (see "What is a Charter Board?" on page 3). The selection process may set priorities in such matters as attendance areas, access for siblings, and the order in which applications were received. The selection process must be open and fair. For more information, see "Reviews."

Staffing — Charter boards are regulated by the *Labour Relations Code*, the *Employment Standards Code* and all applicable professional codes. The teachers employed at charter schools must be certificated. Other staffing arrangements are subject to the decisions made by the charter board in compliance with the provisions of the charter and with provincial legislation, regulations and policies.

Things to Consider Before Preparing an Application

Before applying for charter school status, prospective applicants should give careful thought to the following.

- Why do we need a charter school?
- Is this educational program already available locally?
- Can the program be provided locally?

Individuals or groups, whether parents, teachers, or some other stakeholder group, must follow these steps in seeking approval to open a charter school.

The applicants should first approach their local school board and request that it establish an alternative program of choice in accordance with section 21 of the *School Act*. The school board then examines their request to determine if such a program already exists as an entity within the school board or if the concept could be explored and established as an alternative program. The school board may meet the request for choice by demonstrating that the program is already offered or by deciding to work with the individual or group to establish an alternative program. The school board may also decide to refuse the request.

If the individual or group is able to demonstrate that the program being requested is not offered by the school board, and the school board is not willing to consider alternative program status, then the individual or group may choose to apply for charter school status. Before preparing the application, the charter organizers should consider the following.

- Is there evidence of significant support from the community in which the school is to be located, especially from local parents and students?

- Is there a body of independent research to support the assertion that the proposed educational program will potentially improve student learning in a way that can be measured against other schools not belonging to the same charter board?
- Is the proposed program innovative, in that it expands choice in the geographical area where it will be established?

If the answer to each of the above questions is yes, then the charter organizers may apply for charter school status. The application must meet the criteria set forth in the *Charter Schools Regulation*. The Minister of Learning will review the application based on how well it furthers the province's purposes for establishing a charter school, which are to:

- stimulate the development of enhanced and innovative programs within the public education system
- provide increased opportunities for student learning within the public education system
- provide parents and students with greater opportunities for choice within the public education system
- provide teachers with a vehicle for establishing schools with enhanced and creative methods of educational instruction, school structure and management
- encourage the establishment of outcome-based education programs.

For assistance with the application process, see Appendix A.

Questions and Answers

Eligibility

1. **Who is eligible to apply for a charter to start a charter school?**
   Applicants could include parents, teachers and/or community members. Applicants must become incorporated according to the *School Act* [section 31(1)]. This section states that a charter school can be operated either by a person or a group of individuals incorporated under the *Societies Act,* or by a company registered under Part 9 of the *Companies Act.*

Governance

2. **Why are statements about the philosophy, purpose and goals for each charter school so important?**
   The philosophy, purpose and goals define a charter school's reason for existence. These statements show how the school meets an educational need that is not being met by the local school board. The statements should be measurable, tied to improved student learning, and should form the basis for educational decision-making.

3. **What are the responsibilities of a charter board?**
   A charter board must understand the ways of selecting its members; the roles and responsibilities of the members; the relationship between the charter board and the charter school; and the school council's roles and responsibilities. The charter board should be guided by the philosophy or focus of the charter.

   Other duties of a charter board include the development and implementation of a student code of conduct; a policy for discipline, suspension and expulsion; personnel policies; and a management operation plan, all in keeping with the provisions of the *School Act.* Section 12 of the *Charter Schools Regulation* sets out further responsibilities of the charter board.

   A charter may be repealed by the Minister if he determines that the charter board is not meeting its charter or provincial commitments. The Minister's decision will be final.

4. **Are charter schools required to have school councils?**
   Yes. Each charter school must establish a school council, as required by section 22 of the *School Act.* The majority of the school council membership must be parents of students enrolled in the school. Students and teachers may also be represented on the school council. The principal's role on the school council is defined in section 20 of the *School Act.*

5. **Does a charter school require a principal?**
   Yes. Section 19 of the *School Act* states that a board shall assign a principal to each school. Section 20 outlines the duties of the principal. Both sections apply to charter schools.

6. **Must charter boards use the services of a school superintendent?**
   As per section 113 of the *School Act*, a charter board shall make provision for acquiring the services of a person who is approved by the Minister to serve as a superintendent to fulfill those functions required by provincial legislation, regulations and policies. For example, a recommendation for permanent certification of a teacher must be made by a superintendent.

7. **Must charter boards have a secretary-treasurer?**
   Yes. Section 116 of the *School Act* requires that a secretary-treasurer be appointed and that person must be bonded. The Minister shall be notified of this appointment. This does not have to be a full-time position.

8. **How can a charter be amended?**
   A charter agreement must include a process to change the charter. It is important that parents and teachers be consulted as part of the amending process. Any amendment requires the approval of the Minister before implementation.

9. **Can a charter board sign contracts?**
   Yes. A charter board is a corporate body and may enter into contractual arrangements to comply with the *School Act* and meet the requirements of the charter. The charter will list any contractual arrangements that it plans to make. These may include: leasing facilities for instruction; transportation of students; custodial, repair and maintenance services; superintendency and secretary-treasurer services; teacher secondments; and leasing instructional resources.

Accountability

10. **Why are charter boards held accountable?**
    A charter board promises to improve student learning beyond the services provided by the existing local school board. So that the charter school(s) may achieve this goal, the charter board is provided with increased flexibility and autonomy. Consequently, these obligations must be balanced with an accountability requirement to ensure that the charter board is achieving the results that it has promised.

    The operation of a charter school will be reviewed as outlined in Appendix B.

11. **Do the accountability requirements of a charter board exceed those of a local school board?**
    Yes. Charter boards must be accountable for their operation and results just as other public school boards are accountable. In addition, charter boards are accountable for demonstrating that implementation of the charter goals has resulted in improved student learning outcomes and growth.

12. **If a particular charter school has demonstrated success with its program, will permanent charter status be awarded?**
No. All charters are term-specific and must be renewed. Each renewal will be determined largely by the results of regular school evaluations. As long as a charter school continues to demonstrate success and to meet all the criteria identified in the *Charter Schools Regulation*, its charter may be renewed upon request.

13. **Can a charter board ask the local school board to take over the operation of a successful charter school?**
Yes. At some point, the charter board may decide to turn over the operation and governance of a successful charter school to the local school board. Under these circumstances, the charter school would be dissolved through the process outlined in the charter. It is expected that the local school board would then adopt the successful educational practices of the charter school.

14. **Must the charter school be housed in a particular type of facility?**
No. The *School Act* broadly defines a school as a structured learning environment through which an education program is provided to students. However, there is an expectation that whatever facility is used will augment the philosophy and learning expectations of the school. The school facility must also comply with provincial legislation and local by-laws regarding health, safety, fire and zoning. A charter school may use all or part of an existing school, a private or public facility, or any other suitable location. The charter board may own, lease or rent its facility.

Programs

15. **How will the Minister know if student achievement is meeting expectations?**
Since charter schools vary across the province, it is unrealistic to expect the Minister to structure an appropriate student assessment model to fit all charter schools. Therefore, the charter organizers are responsible for designing a student assessment model that will be an accurate measure of how well students are achieving learning expectations.

16. **Since access cannot be denied to any student, must a charter school expand its range of educational programming to address the needs of all potential students, including those with special needs?**
Not necessarily. A charter school is designed to meet the needs of a specific group of students, not every student in Alberta. Sections 44 (Resident Student) and 47 (Students with special needs must be provided with appropriate educational services) of the *School Act* do not apply to charter boards, since that responsibility is already delegated to local school boards. However, any student may attempt an educational program provided by a charter school.

17. Can students with behavioural problems be denied access to a charter school?

No. All students have access to a charter school. The charter school must have a discipline policy, which is to be applied equally to all students. Any student who is expelled from a charter school can request the Minister to review this matter.

Students

18. Is there a minimum student enrolment?

Yes. At school opening, the total minimum student enrolment is set at 100 students, or another number that, in the opinion of the Minister, is high enough to ensure that the school is financially and educationally viable. The financial and educational viability of a charter school is paramount. Charter organizers must be aware that low student enrolment may result in a deficit or compromise student achievement. Charter boards must maintain a balanced budget and are required to show that they are improving student learning.

Teachers

19. Must charter schools employ certificated teachers (including principals) for instructional purposes?

Yes. All teachers offering instruction must hold a certificate of qualification.

20. Must teachers (including principals) be active members of The Alberta Teachers' Association (ATA)?

If a charter board employs its own teachers, the teachers cannot be active members of the ATA, since the *Teaching Profession Act* applies only to school boards. However, a charter board may choose to second a teacher from a school board or employ a teacher who has taken a leave of absence from the school board. In both cases, the teacher remains an employee of the school board and is required to be an active member of the ATA.

21. Must charter school teachers contribute to the Teachers' Retirement Fund (TRF)?

Yes. Any teacher employed by a charter school must contribute to and will receive benefits from the TRF. The *TRF Act* was amended in 1994 to include charter school teachers.

Grants

22. What Alberta Learning grants are available to charter schools?

See the current *Funding Manual for School Authorities*, available on Alberta Learning's Web site at www.learning.gov.ab.ca.

23. Will start-up grants be available to charter schools?

No. Additional funding is not available for start-up costs. However, Alberta Learning may advance payments taken from the projected charter school grant allotment for the year. This would be a one-time advance only.

24. Is the charter school eligible to raise funds in addition to provincial grants?
Yes. Charter schools are free to fundraise and accept donations, just like public schools. The *Charter Schools Regulation* states that any gifts, grants, donations, student or parent fees, charges for student or school services, benefits, and any other assets the charter school may obtain in addition to provincial grants, must be included in the charter school's annual financial report.

25. Will provincial grants flow directly to the charter board?
Yes. Provincial grants will flow directly to the charter board.

26. What will happen to a surplus or deficit of the charter board when a charter school ceases to operate?
A balanced budget is required, so a deficit is not permitted. Any surplus that can be attributed to provincial funding will be returned to the provincial treasurer.

27. Are charter board and school council members eligible to receive payment for their services?
No. Members of the charter board and members of the charter school council are not eligible for any honoraria, payments or benefits for any services provided. However, travel and subsistence expenses may be paid.

Applications

28. At what point in the application process must conditions stated in the *Charter Schools Regulation* be met?
All criteria required by the *Regulation* must be completed before final approval is granted. However, preliminary approval may be given first, thus enabling charter organizers to continue proceeding with the procurement and organization of facilities, resources and services. The *Regulation* specifies the information that charter organizers are required to provide to the Minister before preliminary approval may be granted.

It is important that charter organizers have a clear picture of how their school will look and operate and how it will demonstrate improved student learning.

29. Must charter schools provide transportation for their students?
No. As section 51 of the *School Act* does not apply, charter boards are not required to provide transportation. However, parents should be told whether the charter board has made arrangements for transportation.

30. Must charter boards be insured?
Yes. Any charter board must, at a minimum, carry insurance in accordance with section 60(1)(b) of the *School Act*. The secretary-treasurer must be bonded in accordance with section 116(c) of the *School Act*. The charter board also will be required to carry indemnification insurance to cover any financial obligations that cannot be met. The Minister cannot be held liable for any unmet financial obligations of a charter board.

APPENDICES

The following appendices include a variety of information to assist charter organizers with their application.

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D. *Charter Schools Regulation 212/2002* – the legal regulation that governs charter schools 29

For more information or to receive further assistance with the application process, charter organizers are strongly encouraged to contact the Special Programs Branch of Alberta Learning.

Northern Alberta applicants:	Contact Marc Prefontaine at (780) 422-6505.
Southern Alberta applicants:	Contact Darlene Hayes at (403) 297-6239.
Long-distance applicants:	Contact Marc Prefontaine or Darlene Hayes toll-free at 310-0000.

More information may be found on Alberta Learning's Web site at www.learning.gov.ab.ca.

APPENDIX A: APPLYING FOR CHARTER SCHOOL STATUS

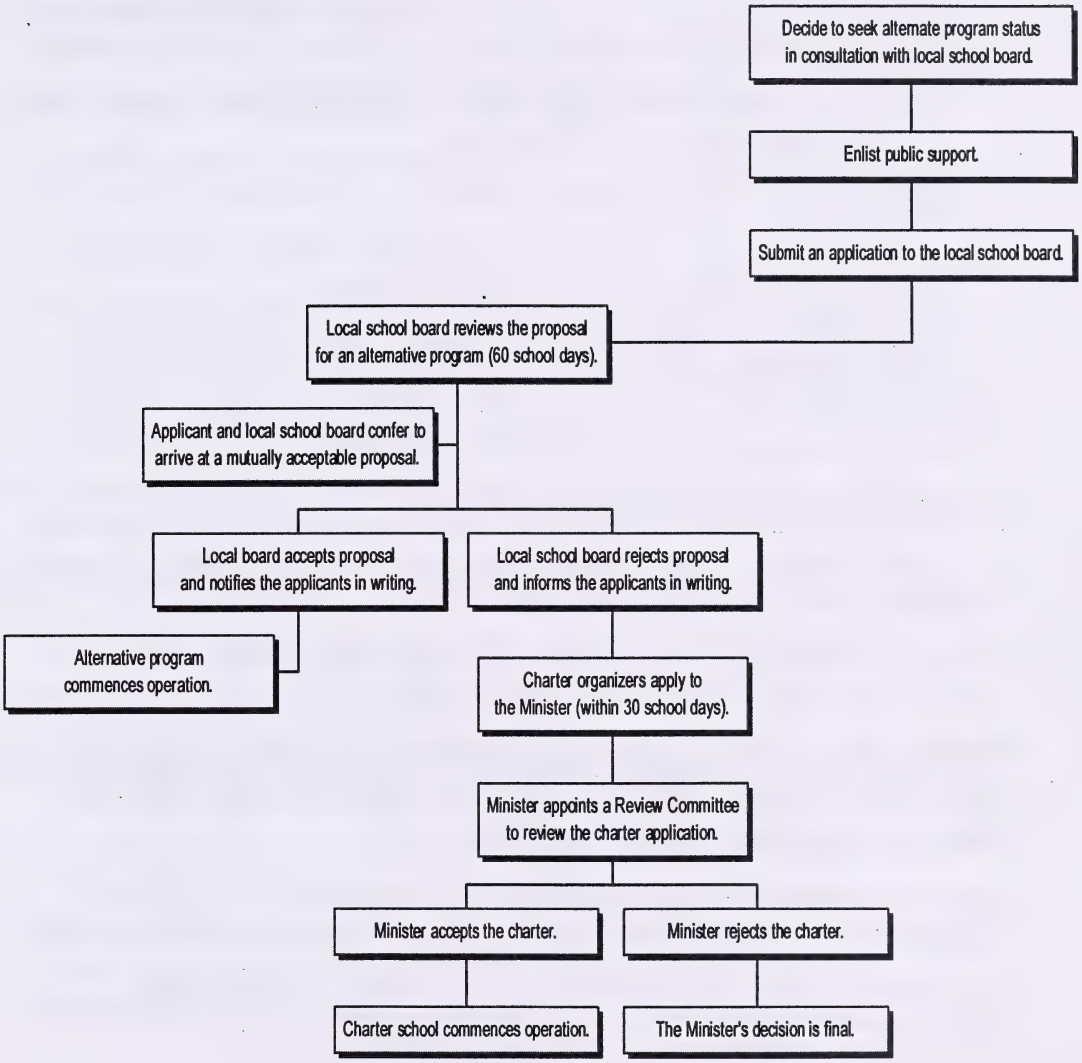
I. Steps to Follow

Once charter organizers have decided to proceed with an application for charter status, these steps should be followed.

1. The local school board and the charter organization must make every attempt to arrive at an agreement for the establishment of an alternative program under section 21 of the *School Act*.
2. The local school board has 60 school days to approve or reject the application for an alternative program. The local school board must inform the charter organizers, in writing, stating the reasons for rejection if the application is not approved.
3. If the local school board rejects the application, the charter organizers have 30 school days to submit a charter school application directly to the Minister along with all correspondence between the board and the applicants. Charter organizers should follow the requirements given in the *Charter Schools Regulation* when preparing their application (see Charter School Application Requirements, page 14.) A committee may be appointed to review the application and advise the Minister of its recommendations. The Minister then has 60 days to decide whether to approve the charter as submitted, approve it with conditions, or reject it stating the reasons for doing so. This decision will be final.

II. Flow Chart for the Establishment of a Charter School

The following flow chart summarizes the steps that lead to the establishment of a charter school.


Decide to seek alternate program status in consultation with local school board.
Enlist public support.
Submit an application to the local school board.
Local school board reviews the proposal for an alternative program (60 school days).
Applicant and local school board confer to arrive at a mutually acceptable proposal.
Local board accepts proposal and notifies the applicants in writing.
Local school board rejects proposal and informs the applicants in writing.
Alternative program commences operation.
Charter organizers apply to the Minister (within 30 school days).
Minister appoints a Review Committee to review the charter application.
Minister accepts the charter.
Minister rejects the charter.
Charter school commences operation.
The Minister's decision is final.

III. Charter School Application Requirements

A potential charter school should ensure that application documentation sent to Alberta Learning addresses the following points.

- Charter applicants will indicate their plans to gather data to ensure that performance measurement will show clear evidence of success. Performance measurement will demonstrate that outcomes have been successfully attained in:
  - those unique aspects of philosophy, vision and purpose written as charter goals that set the school apart from other schools
  - improved student learning
  - goals required of all public schools in Alberta.

- The school will operate in a manner consistent with:
  - all applicable provisions of the *School Act (RSA 2000)*
  - current *Programs of Study*
  - Alberta Learning's *Policy, Regulations and Forms Manual*
  - current *Funding Manual for School Authorities.*

- The school will be administered and governed effectively.

- The school will be viable and fiscally responsible.

- The school program will be successful in the eyes of the school council, community, students, parents, staff and Alberta Learning.

- Other public schools in Alberta will have the opportunity to learn from the charter school's innovative programming and techniques.

The information provided on pages 15 to 18 organizes the required documentation into stages for submission to the Minister of Learning. This approach allows applicants to determine if the Minister will approve a proposed concept prior to undertaking the additional tasks identified in the final application stage.

Applicants are asked to label one section of the final application as "The Charter." Information to be included in that section of the final application is indicated on page 18.

After the Minister has given final approval to an application, some additional information, identified as Commencement Information, will be required near the time of school opening. That information can be found on page 19.

A. Preliminary Application – Required Information

Deadline – The earlier of either:

(a) June 1 of the calendar year prior to proposed school opening, or

(b) 30 school days after receiving written non-approval from a school board for a proposed alternative program.

- ❑ A letter of request to the Minister for approval for the new charter school.
- ❑ The name, address, telephone number and, if available, fax number and e-mail address of the applicant.
- ❑ The proposed name of the charter school.
- ❑ The information described in section 35(a) and (b) of the *School Act.*
  - The teaching philosophy, vision and purpose of the charter school written as measurable goals and the outcome statements derived from those goals.
  - Outcome statements delineating what students at the school will learn that will improve due to their participation in the charter school.
- ❑ A statement explaining how the program to be offered by the charter school is significantly different from the programs offered by the local school board.
- ❑ A description of the students for whom the school is intended.
- ❑ Independent research supporting the proposed charter school program.
- ❑ The proposed opening date for the charter school.
- ❑ A parent declaration, in the form prescribed by the Minister, signed by parents, indicating their intention to enrol their children in the charter school.
- ❑ The projected student enrolment, grade distribution and school building requirements on the proposed opening date of the charter school.
- ❑ All correspondence between the board and the applicant concerning the alternative program, including a copy of the board's decision to refuse to establish the alternative program.

B. Final Application – Required Information

Deadline – November 1 of the calendar year prior to the proposed school opening.

- ❑ Proof that the applicant is a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*.
- ❑ The by-laws or articles of association of the charter board.
- ❑ The proposed charter for the school (see page 18).
- ❑ The measures to be used to determine the outcomes referred to in sections 32(b) and 35(a) and (b) of the *School Act*.
  - Measures to be used to assess outcomes taken from the charter goals – section 35 (a).
  - Measures to be used to assess improved student learning outcomes – section 35 (b).
  - Measures to be used to assess provincial goals – section 32 (b).
- ❑ Indications of significant community support for the charter school.
- ❑ The selection criteria to be used if enrolment applications by students exceed the maximum student capacity of the school.
- ❑ A policy development plan.
- ❑ A charter school budget report in the form prescribed by the Minister.
- ❑ Any curriculum to be offered in addition to the Alberta *Programs of Study*, and particular innovative teaching strategies and methods to be used to promote increased student learning.
- ❑ A description of the process by which successful charter school innovations will be communicated to the education community.
- ❑ The roles and responsibilities of the charter board and the parents.
- ❑ The projected student enrolment, grade distribution and school building requirements at the end of the initial term of the charter.
- ❑ A description of the process by which the charter may be amended.

- ❑ A description of the process by which the charter school may be dissolved, including:
  - the form of notice of dissolution to be given by the charter board to parents and other interested persons or groups
  - the transfer of students to other schools
  - the disposition of real and personal property and financial, school and student records.

Note: Applicants may choose to submit all the information contained in the preliminary and final applications at one time.

C. The Charter – Required Contents

The Minister must approve any amendment to the charter. The charter should be packaged as an identifiable component of the final application and contain the following elements.

- ❑ The particular teaching philosophy, vision and purpose of the school with the goals of the school written as measurable outcomes.
- ❑ A description of the improved student learning to be attained by students written as measurable outcomes.
- ❑ The period during which the school is to operate.
- ❑ The name of the society or company that is to operate the school.
- ❑ A description of the students for whom the school is intended.
- ❑ Any curriculum to be offered by the charter school that is in addition to the Alberta *Programs of Study*.
- ❑ A description of the process by which successful charter school innovations will be communicated to the education community.
- ❑ The roles and responsibilities of the charter board and the parents.
- ❑ The by-laws or articles of association of the charter board.
- ❑ The projected student enrolment, grade distribution and school building requirements at the end of the initial term of the charter.
- ❑ A description of the process by which the charter may be amended.
- ❑ A description of the process by which the charter school may be dissolved, including:
  - the form of notice of dissolution to be given by the charter board to parents and other interested persons or groups
  - the transfer of students to other schools
  - the disposition of real and personal property and financial, school and student records.

D. Commencement Information
Deadline – June 30 in the year the charter school opens.

- ❑ Proof that the school will have at least 100 students enrolled in it.
- ❑ The name of the superintendent appointed in accordance with section 113 of the *School Act*.
- ❑ The name of the secretary-treasurer appointed in accordance with section 116 of the *School Act*.
- ❑ Plans to ensure that parents of students enrolled or seeking enrolment in the charter school are aware of transportation arrangements.
- ❑ The names and certificate numbers of the individuals who will be teachers at the charter school, including the principal.
- ❑ The location of the school building.
- ❑ If the school building is leased from the private sector, proof of compliance with municipal zoning by-laws and all applicable municipal and provincial public health, fire, safety and building standards requirements.
- ❑ An updated school budget report in the form prescribed by the Minister.
- ❑ Details of any contractual arrangements to be made between the charter board and the Minister, a board, or any other person.

IV. Charter School Considerations (Under Review)

Questions and statements are included to guide the charter school organizers in providing a detailed description of their school. Applicants may include additional information to give the Minister a better understanding of the philosophy and purpose of the proposed charter school and to assist him in making his decision.

1. **Charter School Facility**
   a. What is the expected student enrolment on school opening?
   b. What is the maximum student enrolment capacity in five years?
   c. What is the desired date of school opening?
   d. What are the projected grade levels of students at opening and in five years?
   e. Describe the proposed facility in as much detail as possible. What are the specific requirements? Where should it be located?

2. **Evidence of Support**
   a. What community backing exists for the proposed charter school? (Your answer may include evidence of tangible support from teachers, parents, students, community leaders and others.)
   b. What supporting evidence is included to support the projected enrolment and parent commitment?

3. **Funding**
   a. Does the Budget Report Form clearly identify all revenues and disposition of any gifts, grants, donations, student or parent fees, student or school services, benefits or any other assets the charter school may obtain in addition to provincial grants?
   b. Does the Budget Report Form reflect a balanced budget?
   c. What funding provisions have been made for charter school start-up?
   d. Has the charter board made financial arrangements with financial institutions for emergency funding?

4. **School Operations** (if known at time of application)
   a. Is there a description of the school operation in terms of the following?
      - School opening and closing date.
      - Number and days of school operation.
      - Length of the school day.
      - Number and length of recesses.
      - Number of daily hours of instruction.
      - Number of yearly hours of instruction.
   b. Is a school timetable prepared?
   c. What is the expected student enrolment in each grade level?

5. **Brochures** (if available at time of application)
   Have brochures been developed to help the public become familiar with the following?
   - Purpose and philosophy of the school.
   - Educational services provided.
   - School operation.
   - Expected student deportment.
   - Student supplies, fees and costs.
   - School staff and governance.
   - Other information.

6. **The Charter School**
   a. Is the name of the school stated?

7. **Philosophy, Vision, Purpose and Goals**
   a. What is the philosophy of the proposed charter school?
   b. Will the philosophy, vision and purpose of the school serve as reliable guidelines for decision-making?
   c. Are the goals stated in measurable terms?
   d. How will student learning outcomes improve?
   e. How do the goals of the school relate to Alberta Learning's basic education program (*Programs of Study*)?

8. **Educational Plan**
   a. What grade levels will be offered at the school?
   b. What educational need will the charter school fulfill?
   c. How will the charter school address this need?
   d. How is the educational service provided by the school enhanced, innovative or different from services already available in local schools?
   e. Is there a detailed description of the improved student learning outcomes to be attained by the students?
   f. Is there independent research to show the benefits of the educational plan?

9. **Demographics of the Charter School**
   a. Are student selection criteria outlined in case student enrolment exceeds the capacity of the school?
   b. Does the charter provide a detailed description of the students who the charter school is intended to serve?
   c. What is the proposed student registration policy?
   d. What is the attendance area of the charter school?

10. Governance

a. What is the name of the society or company that will operate the school?
b. Do the by-laws describe the criteria that will be used for eligibility and selection of charter board members?
c. Are the relationships between the corporate body, the charter board, school administration, teachers, students, parents and school council clearly outlined?
d. Are the roles and responsibilities of each of these groups clearly outlined?
e. Has an appeal process been established for each group in the event of a dispute over a decision?
f. Do employment procedures clearly address employment contracts including salaries, benefits, termination, professional development, and grievance and appeals?
g. Are the governance matters structured in policy?
h. Have evaluation policies been developed in accordance with the policies contained in Alberta Learning's *Policy, Regulations and Forms Manual*?

11. Contractual Arrangements

a. Are there any contractual arrangements the charter board will or may be making? For example, have contracts been provided for:
   - staff employment
   - facilities and resources
   - student transportation
   - custodial services, maintenance and repair
   - personnel services such as superintendency, secretary-treasurer, administrative support, and consultant; and
   - acquiring instructional resources?
b. Has a policy been structured to guide the charter board when it enters into contracts and contract renewals?
c. What financial provisions have been made in accordance with the *Charter Schools Regulation*, in case the charter school defaults on any of its contracts and the charter board is left with outstanding financial obligations?

12. Additional Revenue

a. Is there a description of all revenues the charter board expects to receive in addition to provincial grants?
b. Is there a designation for these funds? How will they be used?

13. Transportation

a. What provisions, if any, has the charter school made for student transportation?

14. Amending the Charter

a. Is there a description of matters that may initiate the amending process?
b. What role do various stakeholders have in the amending process?
c. Is a timeline for decision-making included in the process?

15. Dissolution Process

a. Does the charter outline the charter school's dissolution process?
b. In case the dissolution process is initiated by the charter board, does the charter provide sufficient advance notice of intent so that parents and students are able to make the adjustment with minimal disruption to student education?
c. Does the charter require that a public meeting be held in advance of the dissolution process to inform the community of the charter board's intentions?
d. Is there a detailed plan for the disposition of property and finances?
e. Is there a plan for the transfer of students to other schools and for the disposition of student records?

16. Term of Charter

a. What is the term of the charter?
b. Does the charter stipulate the date it comes into effect and the expiry date for the initial term?
c. Does the charter outline the process and timelines for charter renewal?
d. Has the charter board developed an annual school evaluation process to assist with charter renewal?

17. Code of Conduct

a. Is there a set of rules for discipline, attendance, suspension and expulsion?
b. Is there an outline of the appeal process to be used under section 123 of the *School Act*?
c. Has a handbook been developed that outlines student information and procedures, expectations of students, student conduct, matters of student discipline process and appeal procedures?
d. Does the handbook specify all student fees, the purpose of these fees, and the resources that students are expected to provide?
e. Are student extra-curricular activities outlined?

APPENDIX B: Interim Charter Schools Implementation Reviews

The Need for Reviews

Charter schools are reviewed to assure the Minister that they are operating in accordance with their respective charters and provincial legislation, regulations and policies, and that they are achieving the intended results.

Introduction

All public schools are accountable for their operation and results. Charter schools are public schools that provide basic education in a different or enhanced way to improve student learning. Reviewing is a process of determining whether charter schools are meeting requirements.

Review Objective

The Minister will track charter school progress to ensure that a charter school is operating and achieving results in accordance with its charter and provincial requirements. The review process is not an evaluation and, as such, is not intended to be as intensive. Much of the review may include documents and plans submitted by the charter board. There may be as few as two site charter school visitations per school year. However, reviews may become more intensive if the Minister requires more information or requires verification of existing information to be assured that requirements are being met.

The Minister will report the findings to the charter board, which will use the findings to see how well the charter school is serving the students and to improve the operation of the charter school. Also, the observations made will be used to assist with the decision of whether a charter renewal should be granted. If serious breaches of required operation or results are uncovered, then a process to revoke the charter and wind up the operations of the charter school may be initiated. In all instances, consideration should always be given to providing charter schools with an opportunity to make improvements and comply with requirements within a reasonable amount of time.

Review Guidelines

The review format will vary in consultation with the charter board. The developers of the review will consider the charter school's resources, the nature of the charter school, and the amount of information required to assure the Minister of the findings. The following list is intended to assist in developing the review format.

1. General learning environment is present and students are learning in accordance with charter expectations.
2. Students are achieving satisfactory results on the Provincial Achievement Tests and Diploma Examinations.
3. Alberta Learning's *Programs of Study* are being delivered.
4. Access to hours of instruction meets or exceeds minimum requirements.
5. Alberta Learning's evaluation expectations are being met.
6. Planning and scheduling are in order and followed.
7. Student records are properly maintained.
8. Alberta Learning's *Three-Year Business Plan* is being followed.
9. Financial matters as reported in the Budget Report Form and Audited Financial Statement are in order.
10. The charter school's *Three-Year Education Plan* and *Annual Education Results Report* meet Alberta Learning's requirements.
11. The school facility complies with building standards and zoning regulations.
12. The insurance regulation is followed.
13. All teachers are certificated.

APPENDIX C: *SCHOOL ACT (RSA 2000)*

Division 3
Charter Schools

Application

31(1) A person or society may apply to the Minister for the establishment of a charter school to be operated by a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*.

(2) An application may be made to the Minister only if the board of the district or division in which the school is to be established refuses to establish an alternative program under section 21 as requested by the person or society.

(3) An application must be in the form and contain the information prescribed by the regulations.

RSA 2000 cS-3 s31;2001 c27 s5

Charter schools

32 The Minister may establish a charter school if the Minister is of the opinion that

(a) the school will have significant support from the community in which it is to be located,

(b) the program to be offered by the school will potentially improve the learning of students as it is measured by the Minister in schools operated by boards that are not charter schools, and

(c) the program to be offered by the school is not already being offered by the board of the public school district or division or the board of the separate school district or regional division made up only of separate school districts, as the case may be, in which the school will be located.

RSA 2000 cS-3 s32;2001 c27 s6

Restriction on operator

33 The operator of a charter school established by the Minister must restrict its purposes to the operation of that charter school.

RSA 2000 cS-3 s33;2001 c27 s7

Transitional

33.1(1) In this section, "amending *Act*" means the *School Amendment Act, 2001*.

(2) A charter school established by a board before the coming into force of section 7 of the amending *Act* is deemed to be established by the Minister.

2001 c27 s8

Operation of charter schools

34(1) A charter school must be operated in accordance with the charter approved by the Minister.

(2) The society or company that is named in the charter shall operate the charter school.

(3) A charter school shall not charge a fee that may not be charged by a board under this *Act*.

(4) A charter school shall not be affiliated with a religious faith or denomination.

(5) Repealed 2001 c27 s9.

RSA 2000 cS-3 s34;2001 c27 s9

Charter

35 A charter must include the following:

(a) the particular teaching philosophy, vision and purpose of the school with the goals of the school written as measurable outcomes;

(b) a description of the improved student learning outcomes to be attained by the students;

(c) the period during which the school is to operate;

(d) the name of the society or company that is to operate the school;

(e) a description of the students for whom the school is intended;

(f) the grades to be offered at the school;

(g) any other matter required by the regulations or the Minister.

RSA 2000 cS-3 s35;2001 c27 s10

Application of *Act*

36(1) The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to a society or company that operates a charter school or a member of the governing body of that society or company, as the case may be:

(a) sections 1, 2 and 3;

(b) Part 1;

(c) Part 2 except sections 21(3), 28 and 29;

(d) in Part 3, sections 49, 50, 52, 54, 56, 57, 60, 75, 77, 78, 79, 80 and 81, section 82 except subsections (1)(a) and (2), sections 83 to 85 and section 86 except clauses (b) and (c);

(e) Part 4;

(f) Part 5;

(g) in Part 6, sections 145 to 152, 178 and 183;

(h) Part 7 except section 199;

(i) in Part 10, sections 272 to 280.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council

(a) may exempt a charter school from the operation of any provision of this *Act*, except sections 31, 32, 34 and 35, or of the regulations, or

(b) may make any provision of this *Act* or the regulations apply to a charter school.

RSA 2000 cS-3 s36;2001 c27 s11

Regulations

37 The Minister may make regulations

(a) respecting applications for charter schools and the charter under which a charter school is operated, its contents and amendment or repeal;

(b) respecting the number of charter schools in Alberta, the location of those schools and their relationship with boards and schools operated by boards;

(c) respecting the transfer of the management or operation of a charter school to a society or company approved by the Minister or the winding-up of a charter school;

(d) respecting any other matter the Minister considers necessary for a charter school to be operated in accordance with its charter.

RSA 2000 cS-3 s37;2001 c27 s12

Application of order or regulation

38 An order under section 36 or a regulation under section 37 may be general in its application or may apply to a particular charter school or a class of charter schools.

1994 c29 s11

APPENDIX D: *CHARTER SCHOOLS REGULATION 212/2002*

ALBERTA REGULATION 212/2002

CHARTER SCHOOLS REGULATION

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Definitions

1 In this Regulation,

(a) "*Act*" means the *School Act*;

(b) "Alberta Programs of Study" means the courses of study or education programs prescribed, authorized or approved by the Minister under section 39(1)(a), (b) and (d) of the *Act*;

(c) "alternative program" means an alternative program within the meaning of section 21 of the *Act*;

(d) "applicant" means a person or society that applies for the establishment of a charter school under section 3;

(e) "board" has the meaning given to it in the *Act*;

(f) "certificate" has the meaning given to it in the *Certification of Teachers Regulation* (AR 3/99);

(g) "charter" means a charter approved by the Minister under section 34 of the *Act*;

(h) "charter board" means the society or company named in a charter as being responsible for the operation of a charter school.

Refusal to establish an alternative program

2 (1) If a board refuses to establish an alternative program as requested by a person or society under section 31(2) of the *Act*, the board shall, within 60 school days of receiving the request, provide a copy of its decision, with reasons, to the person or society.

(2) On receipt of a decision under subsection (1), the person or society may apply to the Minister for the establishment of a charter school.

Application for establishment of charter school

3 (1) An application for the establishment of a charter school must be made in accordance with this section.

(2) The applicant must submit a preliminary application to the Minister no later than 30 school days after receiving a decision under section 2(2) or June 1 of the year preceding the year in which the charter school is to open, whichever is earlier.

(3) The preliminary application must be in writing and contain the following information:

(a) the name, address, telephone number and, if available, fax number and e-mail address of the applicant;

(b) the proposed name of the charter school;

(c) the information described in section 35(a) and (b) of the *Act*;

(d) a statement explaining how the program to be offered by the charter school is significantly different from the programs offered by the board;

(e) independent research supporting the proposed charter school program;

(f) the proposed opening date for the charter school;

(g) a parent declaration, in the form prescribed by the Minister, signed by parents indicating their intention to enrol their children in the charter school;

(h) the projected student enrolment, grade distribution and school building requirements on the proposed opening date of the charter school;

(i) all correspondence between the board and the applicant concerning the alternative program, including a copy of the board's decision to refuse to establish the alternative program.

(4) On receiving a preliminary application, the Minister may

(a) require additional information before making a decision on the application,

(b) approve the application subject to any terms and conditions the Minister considers appropriate, or

(c) reject the application, giving reasons.

(5) The Minister shall make a decision in respect of a preliminary application within 60 days of receiving it.

(6) The Minister shall inform the applicant and the board in writing of the Minister's decision under subsection (5) within 15 days of making it.

(7) If the Minister approves the preliminary application under subsection (4)(b), the applicant must submit a final application to the Minister no later than November 1 of the year preceding the year in which the charter school is to open.

(8) The final application must be in writing and contain the following information:

(a) proof that the applicant is a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*;

(b) the proposed charter for the school;

(c) the measures to be used to determine the outcomes referred to in sections 32(b) and 35(a) and (b) of the *Act*;

(d) indications of significant community support for the charter school;

(e) the selection criteria to be used if applications by students for enrolment exceed the maximum student capacity of the school;

(f) a policy development plan;

(g) a charter school budget report in the form prescribed by the Minister;

(h) any additional information relating to the operation of the charter school as required by the Minister.

(9) On receiving a final application, the Minister may

(a) require additional information before making a decision on the application,

(b) approve the application subject to any terms and conditions the Minister considers appropriate, or

(c) reject the application, giving reasons.

(10) The Minister shall make a decision in respect of a final application within 60 days of receiving it.

(11) The Minister shall inform the applicant and the board in writing of the Minister's decision under subsection (10) within 15 days of making it.

(12) Notwithstanding subsection (2), an applicant may submit to the Minister an application containing the information described in both subsections (3) and (8), in which case the Minister shall

treat the application as a final application.

(13) An application under subsection (12) must be submitted to the Minister no later than November 1 of the year preceding the year in which the charter school is to open.

(14) A decision by the Minister under this section is final.

Contents of charter

4 In addition to the requirements set out in section 35 of the *Act*, a charter must include the following:

(a) any curriculum to be offered by the charter school that is in addition to the Alberta Programs of Study;

(b) a description of the process by which successful charter school innovations are communicated to the education community;

(c) the roles and responsibilities of the charter board and the parents;

(d) the bylaws or articles of association of the charter board;

(e) the projected student enrolment, grade distribution and school building requirements at the end of the initial term of the charter;

(f) a description of the process by which the charter may be amended;

(g) a description of the process by which the charter school may be dissolved, including

(i) the form of notice of dissolution to be given by the charter board to parents and other interested persons or groups,

(ii) the transfer of students to other schools, and

(iii) the disposition of real and personal property and financial, school and student records.

Initial term of charter

5 (1) The initial term of a charter is 5 years beginning on the first day on which the charter school opens.

(2) A charter school shall operate for its term unless before that term expires the charter is repealed under section 15 or the operation of the charter school is terminated under section 16.

Commencement of charter school

6 Before a charter school begins to operate,

(a) the school must have at least 100 students enrolled in it or the number of students that, in the opinion of the Minister, is required to ensure that the program offered by the charter school is educationally and financially viable, and

(b) the charter board shall

(i) appoint a superintendent in accordance with section 113 of the *Act*,

(ii) appoint a secretary-treasurer in accordance with section 116 of the *Act*,

(iii) ensure that parents of students enrolled or seeking enrolment in the charter school are made aware of transportation plans where applicable, and

(iv) provide the following information in writing to the Minister:

(A) the names and certificate numbers of the individuals who will be teachers at the charter school, including the principal;

(B) the location of the school building;

(C) if the school building is leased from the private sector, proof of compliance with municipal zoning bylaws and all applicable municipal and provincial public health, fire, safety and building standards requirements;

(D) an updated school budget report in the form prescribed by the Minister;

(E) details of any contractual arrangements to be made between the charter board and

(I) the Minister,

(II) a board, or

(III) any other person.

Renewal of charter

7 (1) A charter board may apply to the Minister in writing for a renewal of the charter no later than December 1 of the final year of its term.

(2) The Minister shall not renew a charter unless the Minister is satisfied that the charter school

(a) is meeting the terms of its charter and has performance measures that demonstrate clear evidence of success,

(b) is operating in a manner consistent with all applicable provisions of the *Act*, regulations and policies of the Minister,

(c) is fiscally viable and responsible, and

(d) has a school program considered successful by the school council, community, students, parents and staff.

(3) The Minister shall conduct at least one evaluation of a charter school within its current term.

(4) A charter may be renewed for a term of 5 years or for a shorter term agreed to by the Minister and the charter board.

(5) The Minister shall make a decision in respect of an application for renewal within 60 days of receiving it.

(6) The Minister shall inform the charter board in writing of the Minister's decision under subsection (5) within 15 days of making it.

(7) A decision by the Minister under this section is final.

Amendment of charter

8 After a charter school has been established, the charter board may amend the charter

(a) in accordance with the process set out in the charter, and

(b) with the approval in writing of the Minister.

Number of charters

9 (1) The number of charter schools may not exceed 15 at any one time.

(2) A charter board may operate in more than one location only if a single school building cannot accommodate the expected number of students identified in the charter.

Enrolment in another school

10 A parent of a student enrolled in a charter school shall not request that the student be enrolled in another school during the school year unless the other school consents.

Responsibility to students

11 A charter board is responsible for providing an education program for its students during the school year in which the students are enrolled.

Charter board responsibilities

12 (1) The charter board shall ensure that neither the charter school administrators nor any of the charter board's employees are elected or appointed as members of its governing body.

(2) The meetings of the governing body of a charter board must be held in public and no person may be excluded from the meetings except for improper conduct.

(3) The chair of the governing body of a charter board may cause to be excluded from a meeting any person who, in the opinion of the chair, is guilty of improper conduct at that meeting.

(4) Notwithstanding subsection (2), when a majority of the governing body members present at a meeting of a governing body are of the opinion that it is in the public interest to hold the meeting or part of the meeting in private for the purpose of considering any matter, the governing body may by resolution exclude any person from the meeting.

(5) When a meeting is held in private, the governing body of a charter board has no power to pass a resolution at that meeting apart from the resolution necessary to revert to an open meeting.

(6) No member of the governing body of a charter board shall receive remuneration for acting as a member of the governing body.

(7) A charter board may reimburse the members of its governing body for any expenses they incur in the course of performing their duties as members of the governing body.

Transfer of charter school

13 (1) Subject to subsection (2), a charter board may transfer the operation of a charter school to a society incorporated under the *Societies Act* or a company registered under Part 9 of the *Companies Act*.

(2) Before the operation of a charter school is transferred, the society or company to whom the operation is to be transferred shall obtain the approval in writing of the Minister.

Review by Minister

14 (1) A member of the governing body of a charter board who is alleged to be disqualified under section 82, except subsection (1)(a) and (2), or section 83 of the *Act* from remaining as a member of the governing body may ask the Minister in writing to review the matter to determine if the member is qualified to remain as a member of the governing body.

(2) If an individual has been refused enrolment in a charter school, the individual or the individual's parent may ask the Minister in writing to review the matter to determine the individual's eligibility to be enrolled in the charter school.

(3) On concluding a review of a matter under this section, the Minister may, subject to the *Act* and this Regulation, make any decision the Minister considers appropriate.

(4) A decision by the Minister under this section is final.

Repeal of charter

15 (1) The Minister may repeal a charter if, in the opinion of the Minister,

(a) the terms and conditions of the charter are not being met, or

(b) after one year of being granted a charter, the charter school fails to open for the subsequent school year.

(2) The Minister shall not repeal a charter unless

(a) the charter board has been informed in writing of the Minister's intention and reasons for repealing the charter, and

(b) after having been given a reasonable period to satisfy the Minister's concerns regarding the charter school, the charter board is not able to satisfy those concerns.

Termination of charter school

16 (1) Notwithstanding that the term of a charter has not expired, a charter board may terminate the operation of the charter school at the end of a school year, with the approval of the Minister in writing, by voting to terminate the operation of the charter school.

(2) The charter board shall notify the Minister in writing by January 31 of its intent to terminate the charter at the end of the school year.

Dissolution of charter school	17	If a charter is repealed under section 15 or the operation of a charter school is terminated under section 16, the charter school must be dissolved and wound up in accordance with the process set out in the charter.
Repeal	18	The *Charter Schools Regulation* (AR 136/95) is repealed.
Expiry	19	For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on June 30, 2012.